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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,674	04/13/2004	Hiroshi Morikawa	251708US-2 CONT	2872

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,674

Applicant(s)

MORIKAWA, HIROSHI

Examiner

Sy D. Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/18/06 and prior.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) 5 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/18/06 and 4/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, and 12 recite the limitation "the step of displaying an image forming function tab" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets claims 6 and 12 to be dependent on either claim 3 or 4 in order to remain consistent with the meaning and context of the invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 7-8, and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al. ("Wilson", US 5,467,170).

As per claim 1, Wilson teaches a method of controlling an image forming apparatus comprising the steps of:

displaying an operation status message area on a first part of a touch panel display (fig. 3; e.g. message area showing "Ready to Copy");

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displaying a document counting area configured to show a number of sheets set and a number of documents produced on a second part of the touch panel display (col. 4, lines 29-33);

displaying an input document handling area on a third part of the touch panel display, and allowing selection of at least one kind of document for image forming from the input document handling area (fig. 3; col. 4, lines 51-58; *the area within the Job Setup Display JSUD shown above the job feature buttons "Original -> Copy" through "Zoom"*).

As per claim 2, Wilson teaches the step of displaying an output document handling area on a fourth part of the touch panel display, and allowing selection of at least one of a sort mode, a stack mode, a staple mode, and a punch mode from the output document handling area (fig. 3; *the area within the Job Setup Display JSUD shown above the job feature buttons "Copy Exit" and "Staple"*).

Claims 7-8 are similar in scope to claims 1-2 respectively, and are therefore rejected under similar rationale.

Claims 13-16 are similar in scope to claim 2, and are therefore rejected under similar rationale. Wilson further teaches only information displayed in one of the touch screen panel subsections that includes selected function keys changes when the selected function keys are selected, while the display of the subsections not including the selected function keys are maintained on the touch screen panel (*all areas are depicted in figure 3*).

As per claim 17, Wilson teaches the first, second, and third touch screen panel subsections to be horizontally arranged side by side on the touch screen panel in first, second, and third touch screen panel order (fig. 3).

As per claim 18, Wilson teaches wherein the second touch screen panel subsection has a greater area than each of the first and third touch screen panel subsections (fig. 3; *control copy processing section extends from the area within the Job Setup Display JSUD shown above the job feature buttons "Original -> Copy" through "Zoom"*).

Claim Rejections - 35 USC § 103

5. Claims 3-4, 6, 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. ("Wilson", US 5,467,170) in view of Kimoto et al. ("Kimoto", US 5,390,005).

As per claims 3-4, Wilson does not disclose the steps of: displaying at least one image forming function tab, allowing selection of a program key to register the at least one image forming function tab, displaying a programmable registered image forming function tab area on a fifth part of the touch panel display, and allowing selection of at least one registered image forming function tab,. This is what Kimoto teaches in a method of indicating a setting screen of an image forming machine on which a touch-panel is displayed (col. 14, line 38 et seq.). It would have been obvious to an artisan at the time of the invention to combine Kimoto's teaching with the method of Wilson in order to provide a convenient and automatic condition-setting means for recalling frequently used setting for copying.

As per claim 6, Kimoto further teaches the step of displaying an image forming function tab to comprise display at most ten image forming function tabs (Kimoto, fig. 19).

Claims 9-10 and 12 are similar in scope to claims 3-4 and 6 respectively, and are therefore rejected under similar rationale.

Allowable Subject Matter

6. Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

the method wherein at least the input document handling area, the operation status message area, the document counting area, the output document handling area, and the programmable registered image forming function tab area are simultaneously maintained on the touch panel display while a selection is made via the touch panel display as recited, or similarly recited, in claims 5 and 11.

Although the prior art teach a substantial amount of the claimed matters, the art of record do not teach all of the claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SY D. LUU
PRIMARY EXAMINER
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